

April 22, 2015

Ms. Jessica Bean
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
By email: Jessica.Bean@waterboards.ca.gov

RE: State Water Board Draft Drought Emergency Water Conservation Regulations

Dear Ms. Bean:

Thank you for providing the County of San Bernardino ("County") an opportunity to share with the State Water Board its technical comments on the draft Drought Emergency Water Conservation Regulations and Approach released April 18, 2015 ("Draft Regulations and Approach").

Please note that at the present time, the County does not have an official position on the Draft Regulations and Approach and will coordinate with Josh Candelaria of its County Administrative Office Legislative Affairs Unit should the need arise. However, to assist the State Water Board with its efforts to implement the Governor's Executive Order B-29-15, the County Administrative Office reviewed the Draft Regulations and Approach and provide the following initial comments:

- 1) Section 865(e) of the Draft Regulations provides eligible urban water suppliers with the opportunity to subtract the amount of water they supply for commercial agricultural use from their water production total for the purpose of calculating the percentage of water conserved by the water suppliers.

The County proposes that the Draft Regulations provide eligible urban water suppliers the additional opportunity to subtract the amount of water they supply to institutional water users that are subject to specific health, safety, sanitation and hygiene requirements regarding the use of water, such as jails and hospitals.

a. Legally Mandated Water Usage at Jail Facilities

The County, through its Sheriff's Department, operates the following jail facilities throughout the County: West Valley Detention Center, Central Detention Center, Glen Helen Rehabilitation Center, and High Desert Detention Center.

The County's use of water in its jails is impacted by the following sanitation and hygiene laws:

- Title 15 of the California Code of Regulations Sections 1262 and 1263 require clothing exchange and adequate clothing supply twice a week for undergarments and once a week for outer garments, but more frequently if necessary. Bedding is also changed at least once a week. This necessitates laundering large volumes of clothing on a continuous basis. Section 1266 of Title 15 of the California Code of Regulations requires showering at least every other day and more often if possible. Frequent showering is necessary to maintain

good inmate personal hygiene to prevent diseases and ensure institutional tranquility as inmates live in close proximity to each other.

- Title 15 of the California Code of Regulations Section 3052 requires compliance with health and safety standards for food handling and sanitation as required by Health and Safety Code Sections 113945 through 114259.4 (California Retail Food Code). This requires frequent hand washing and surface cleaning.
- Title 24 of the California Code of Regulations Section 1231.3.4 requires ready availability of showers and toilets to which inmates have nearly unfettered access for the purposes of health and sanitation.

The County has already installed high efficiency laundry washer/extractors, and installed programmable water technologies in its jails to limit inmate water usage and minimize waste.

b. Legally Mandated Water Usage at Hospital Facilities

In addition to its jails, the County operates a 456-bed hospital facility, the Arrowhead Regional Medical Center in Colton, which must also comply with legal requirements that impact its water use in the facility.

For example, hospitals are mandated to comply with specific sanitation and hygiene requirements pursuant to Title 22 of the California Code of Regulations Sections 70827 and 71631, which include, but are not limited to, the daily cleaning of patient areas, nurses' stations, work areas, halls, entrances, storage areas, restrooms, laundry, pharmacy, offices, specialized areas, isolation areas, kitchen, and associated areas etc. Hospitals must also maintain at least three bed changes supply of clean linen for all the beds in the hospital, which linen is laundered according to the following requirements:

All linens shall be washed using an effective soap or detergent and thoroughly rinsed to remove soap or detergent and soil. Linens shall be exposed to water at a minimum temperature of 71 degrees C (160 degrees F) for at least 24 minutes during the washing process. (22 CCR 70825(a)(4).)

Additionally, the Center for Medicare and Medicaid Services Conditions for Participation at 42 C.F.R Section 482.41 (a)(2) requires a hospital to provide emergency gas and water as needed to provide care to inpatients and other persons who may come to the hospital in need of care.

The County is committed to conserving water where it can, but does not wish specific health, safety, sanitation and hygiene requirements regarding water use in its jails and hospitals to cause the other customers of the urban water suppliers serving its jails and hospitals to have to conserve more than their fair share.

- 2) On page 3 of the Fact Sheet regarding the draft regulations, the State Water Board invites input regarding an alternative approach to conservation that would establish regional collective conservation standards. The exploration of this alternative approach is of interest to the County as its facilities are located throughout the county and served by multiple urban and small water suppliers.

The County supports an alternative approach similar to the one proposed by the County of San Diego in its April 13, 2015 comments on the State Water Board's initial proposed regulatory framework – achieving cumulative conservation by allowing customers served by multiple water suppliers to accrue credits for water conserved above and beyond one of its water supplier's directed conservation target that can then be transferred and used to comply with another water supplier's conservation target.

This approach would enable large institutions served by many water suppliers to aggressively conserve water where they are able and ensure that they are not penalized for facilities at which additional water conservation is not feasible. Such water credits could be certified by the issuing water supplier on a monthly basis and then transferred to another or multiple water agencies. Cumulative conservation could be managed online through a type of water banking system. The State already allows energy customers to credit electricity produced by solar facilities at one meter as against other meters within the same utility under the net energy metering aggregation (NEMA) and renewable energy system – bill credit transfer (RES-BCT) programs. The County's proposal is analogous to the energy credit programs, except that instead of the utility managing and overseeing the credit transfers within its billing system, the State Water Board or designee would manage and oversee the credit transfers across multiple water suppliers.

Thank you again for giving us the opportunity to provide the State Water Board with the County's initial comments on the draft Drought Emergency Water Conservation Regulations and Approach released April 18, 2015. Please let us know if we can provide any further assistance. Also, should you wish to discuss the County's comments, I can be reached at (909) 387-4384. Additionally, Josh Candelaria may be reached at (909) 387-4821.